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February 05, 2003

James W. McTarnaghan

HAND DELIVERED

President Michael Peevey
Commissioner Geoffrey Brown
Commissioner Susan Kennedy
Commissioner Loretta Lynch
Commissioner Carl Wood
California Public Utilities Division
505 Van Ness Avenue, Fifth Floor
San Francisco, CA 94102

Re: Numbering Relief in the 310 and 909 Area Codes

Dear Commissioners:

As you know from our previous correspondence dated December 19, 2002, the numbering situation in the 310 and 909 NPAs has reached a critical stage. The most reliable estimates, including those of the North American Numbering Council (the "NANC") conclude that these NPAs will be *completely exhausted* in the second quarter of this year. At the recent NANC meeting held on January 22, 2003, this fact was underscored when NANPA reported that there were only 8 NXXs left in the 310 NPA (4 for the lottery and 4 for Pooling) and 13 NXXs left in the 909 NPA (5 for the lottery and 8 for pooling). Unless area code relief plans are immediately adopted by this Commission, there will be no numbering resources available for assignment in the 310 and 909 NPAs.

Such a result would harm consumers, businesses, carriers and the State. First and foremost, total exhaust without area code relief means that consumers in these areas will soon be unable to obtain new telecommunications service from the carrier of their choice – or from any carrier – all for want of numbering resources. Second, competition will be severely impaired since only those carriers with existing inventories of numbering resources, if any, will be able to provide service to consumers. Third, carriers without numbering resources will be forced to effectively close their stores to new customers in these communities since they will be unable to provide local numbers. Fourth, the California economy, as well as the State's tax base, will be impacted by the inevitable reduction in telecommunications service and the resulting inability of businesses to launch or expand their operations in the areas served by these NPAs.

Thus, once again, the Cellular Carriers Association of California (CCAC) respectfully urges the Commission to take immediate action to implement area code relief in the 310 and 909 NPAs. Although it is unlikely that the Commission can act promptly enough to avoid total exhaust, CCAC believes it is imperative that the Commission, with the assistance of the carriers, minimize the period of time that these codes will be in complete exhaust and implement an appropriate plan as quickly as it can be done in a responsible manner.¹

To that end, CCAC submits that an all-services overlay is, as both a practical matter and as a matter of public policy, the most effectual form of area code relief available. The advantages of an all-services overlay, which is now being used effectively in over 40 major metropolitan areas including New York and Chicago, include the following:

- Requires no number changes (or discriminatory takebacks) for any customer;
- Eliminates the need for individuals/businesses with existing numbers to notify others of new number;
- Minimizes consumer confusion regarding dialing patterns and associated education process²;
- Eliminates financial impact to businesses/individuals who would otherwise need to change stationary, advertisements, signage and business cards;
- Abolishes the need to decide which existing customers within a particular NPA must change their telephone number;
- Provides competitively neutral solution to numbering issues; and
- Is easier, quicker and less expensive to implement.

Above all, CCAC urges the Commission to *immediately* implement area code relief to protect the interests of consumers and carriers alike and to ensure that the State does not unduly suffer from the impending exhaust of numbering resources in the 310 and the 909 NPAs.³

¹ As discussed in the December 19, 2002 letter, CCAC does not believe that the Technology-Specific Overlay ("TSO") proposal submitted by the CPUC to the FCC on September 27, 2002 is feasible or appropriate to address the numbering shortages in 310 and 909. Moreover, the Congressional representatives for these areas have both expressed their concerns about the TSO proposal. See Letter dated January 23, 2003 from Congresswoman Harmon to FCC Chairman Powell and letter dated December 20, 2002 from Congresswoman Bono (and Congressman Radanovich) to Chairman Powell attached as Exhibit A.

² Although the FCC requires mandatory 10-digit dialing for an overlay, the FCC has granted certain state requests for a temporary waiver of 10-digit dialing when they first implement overlays.

³ Area code splits are of course a viable, although less preferable, alternative method to address the current numbering situation in these NPAs. Among other things, area code splits require existing customers to change their numbers and thus generally take longer to implement.

If you have any questions on the above, please contact me at 415-765-8409.

Very truly yours,

GOODIN, MACBRIDE,
SQUERI, RITCHIE & DAY, LLP

By 
James W. McTarnaghan

cc: Cherrie Conner (w/ attachments)
Jonathan Lakritz (w/attachments)
Jack Leutza (w/ attachments)
Thomas Long (w/attachments)
Helen Mickiewicz (w/ attachments)
Timothy Sullivan (w/attachments)
Lester Wong (w/attachments)
Robert Wullenjohn (w/attachments)



Congress of the United States
House of Representatives
Washington, DC 20515

January 23, 2003

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Powell

I was hoping to see you at the World Economic Forum in Davos this week, but understand that you will be unable to attend. I want to briefly follow up on our previous conversations regarding exhaustion of the 310 area code.

As we discussed in December 2002, a key policy is to adhere to the November 24, 2003 deadline for implementing local number portability without any modifications. I would also like to strongly encourage you to grant the California Public Utility Commission's request to change the "contamination level" below which carriers must share their thousands-number blocks. If granted, the CPUC's request would provide approximately 200,000 numbers.

You may be aware that the wireless industry is objecting to the CPUC's application for a technology-specific overlay in so far as it includes cell phone customers. I have asked CPUC Commissioner Loretta Lynch to modify it to exclude these customers. In order to compensate for this possible change and reduction in numbers, however, I am hoping that a study can be conducted to identify exactly how many machine-only numbers could be gained through an overlay that did not include cell phones.

Finding effective solutions to the problem of area code exhaustion that exists throughout the nation remains a huge priority for me and my constituents and we need your help.

Regards,

JANE HARMAN

Congress of the United States
Washington, DC 20515

December 20, 2002

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CPUC TSO Technology-Specific Overlays Petition
CC Docket No. 99-200

Dear Chairman Powell:

We are writing to urge the Commission to deny requests from states requesting the authority to implement technology-specific overlays ("TSOs") that would require a "take-back" of wireless numbers. TSOs, or service overlays ("SOs") that establish a new overlay area code for wireless services are unnecessary in the current numbering environment, and would unduly harm wireless customers, particularly where there is a "take-back" of customers' existing numbers. Such a discriminatory overlay and "take-back" of wireless numbers would be anti-competitive and would run counter to the FCC's thoughtful record of opposition to discriminatory numbering rulings.

As recent projections by the North American Numbering Plan Administrator ("NANPA") indicate, the Commission's numbering conservation measures to date have helped to ensure that numbering resources are used efficiently and extended the projected dates for area code exhaust. In recent 2002 estimates, NANPA has extended the projected exhaust date for approximately 215 area codes, some by as much as twelve years. We commend the Commission for effectively implementing numbering resource optimization measures such as number pooling. In light of the effectiveness of these measures in addressing numbering exhaust, we urge the Commission to refrain from implementing any plan that would require the drastic measure of taking back a consumer's wireless number.


In particular, we strongly advise against authorizing a TSO that would require wireless customers who currently have numbers to involuntarily relinquish their existing numbers and be assigned a new number from the overlay code. Such a "take-back" would unfairly and adversely impact wireless customers, requiring them to have their phones reprogrammed and potentially even suffer service cut-offs. Further, such a TSO also has serious anti-competitive ramifications because only wireline customers would have access to numbers in the old area code.

Letter to Commissioner Powell
December 20, 2002
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As of November 24, 2002, wireless carriers began participating in number pooling, which has already helped alleviate the demand for numbers. As the Commission recognized, the "benefits of number pooling are enhanced when a larger number of carriers are able to participate in pooling within an NPA, which *diminishes the need to restrict access to the SO* to a subset of users of numbering resources."¹

In light of these facts, we urge the Commission to deny requests for TSO authority that would impose adverse impacts on customers, by "taking-back" wireless numbers.

Sincerely,



MARY BONO
Member of Congress



GEORGE R. RADANOVICH
Member of Congress

CC: Commissioner Abernathy
Commissioner Copps
Commissioner Martin
Commissioner Adelstein
Jim Schlichting - Wireless Bureau
David Furth - Wireless Bureau
Bill Maher - Wireline Bureau
Diane Griffen - Wireline Bureau.

¹ NRO Third Rep and Order at para. 87 (Emphasis added).